

ANDERSON KILL P.C.

Cort T. Malone, Esq.
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*Ordinary Course Insurance
Counsel to the Debtors and
Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

Duro Dyne National Corp., *et al.*,¹

Debtors.

Chapter 11

Case No. 18-27963 (MBK)

(Jointly Administered)

**THIRD FEE STATEMENT OF ORDINARY
COURSE INSURANCE COUNSEL ANDERSON KILL P.C. FOR
THE PERIOD MAY 1, 2018 THROUGH MAY 31, 2019**

Anderson Kill P.C., ordinary course insurance counsel to the above-captioned debtors and debtors-in-possession (collectively, the “**Debtors**”), submits this third fee statement for the period May 1, 2019 through May 31, 2019 (the “**Third Fee Statement**”)² pursuant to the Court’s *Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated November 1, 2018 [Docket No. 242] and *Amended Order Authorizing the Debtors to Employ and Compensate Ordinary Course Professionals*, dated February 28, 2019 [Docket No. 496] (the “**Orders**”).

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Anderson Kill previously has billed the Debtors and been paid as ordinary course counsel pursuant to this Court’s Orders [Docket Nos. 242 and 496] for the period from September 7, 2018 through April 30, 2019.

Pursuant to the Orders and this Court's *Administrative Fee Order Establishing Certain Procedures for Allowance of Interim Compensation and Reimbursement of Expenses of Professionals Retained By Order of this Court*, dated December 18, 2018 [Docket No. 345], responses to the Third Fee Statement, if any, are due by July 1, 2019.

Dated: June 20, 2019

Respectfully submitted,

ANDERSON KILL P.C.

/s/ Cort T. Malone

Cort T. Malone, Esq.
Mark D. Silverschotz, Esq.
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*Ordinary Course Insurance
Counsel to the Debtors and
Debtors-in-Possession*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

D.N.J. LBR 2016-1, FEE APPLICATION COVER SHEET

IN RE: Duro Dyne National Corp., et al.,¹

APPLICANT: Anderson Kill P.C.

CASE NO.: 18-27963 (MBK)

CLIENT: Chapter 11 Debtors

CHAPTER: 11

CASE FILED: September 7, 2018

COMPLETION AND SIGNING OF THIS FORM CONSTITUTES A CERTIFICATION UNDER
PENALTY OF PERJURY, PURSUANT TO 28 U.S.C. SECTION 1746

**THIRD FEE STATEMENT OF ORDINARY
COURSE INSURANCE COUNSEL ANDERSON KILL P.C. FOR
THE PERIOD MAY 1, 2019 THROUGH MAY 31, 2019**

**SECTION I
FEE SUMMARY**

	<u>FEES</u>	<u>EXPENSES</u>
TOTAL PREVIOUS FEES REQUESTED	<u>\$184,494.00</u>	<u>\$221.90</u>
TOTAL FEES ALLOWED TO DATE	<u>\$184,494.00</u>	<u>\$221.90</u>
TOTAL RETAINER REMAINING	N/A	N/A
TOTAL HOLDBACK (IF APPLICABLE)	N/A	N/A
TOTAL RECEIVED BY ANDERSON KILL ²	<u>\$184,494.00</u>	<u>\$221.90</u>
 FEE TOTALS - PAGE 2	 \$60,224.50	
DISBURSEMENTS TOTALS - PAGE 3	<u>\$ 157.63</u>	
TOTAL FEE APPLICATION	\$60,382.13	

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Prior to the Petition Date, Anderson Kill was retained to represent the Debtors in insurance coverage matters, including litigation pending in state court in New York. Anderson Kill was paid for all amounts owed for legal services rendered prior to the Petition Date and held no retainer thereafter for services and expenses incurred during these Chapter 11 Cases.

Name of Professional	Year Admitted	Title/Department	Hours	Rate	Fee
Dennis J. Nolan	2007	Shareholder/Bankruptcy	1.20	610.00	732.00
Cort T. Malone	2003	Shareholder/Insurance	72.20	715.00	51623.00
Raymond A. Mascia, Jr.	2010	Shareholder/Insurance	13.30	560.00	7448.00
Vivian Michael	2014	Associate/Insurance	.30	475.00	142.50
Claudia A. Ilie	N/A	Paralegal/Insurance	.90	310.00	279.00
Total Fees			87.90		\$60,224.50
Attorney Blended Rate				\$685.15	

SECTION II SUMMARY OF SERVICES

SERVICES RENDERED	HOURS	FEE
Opposition to Relief from Stay of Insurance Case	0	\$0
Drafting and Responding to Discovery	0	\$0
Drafting and Responding to Objections	0	\$0
Drafting and Editing Briefing and Submissions	0	\$0
Claims Evaluation and Related Motion Practice	0	\$0
Prepare, Attend and Argue at Court Hearings	7.20	\$5,022.00
Settlement Negotiations, Agreements and Mediation, including submissions	65.50	\$44,815.00
Insurance Case Work	15.20	\$10,387.50
Opposition to UST Appeal	0	\$0
SERVICE TOTALS	87.90	\$60,224.50

**SECTION III
SUMMARY OF DISBURSEMENTS**

	AMOUNT
Lexis Nexis Legal Research	\$0
Travel Charge – Car Service Late Night Work	\$107.63
Filing/court fees	\$50.00
TOTAL DISBURSEMENTS	\$157.63

**SECTION IV
CASE HISTORY**

(NOTE: Items 3 - 6 are not applicable to applications under 11 U.S.C. §506)

- (1) DATE CASE FILED: September 7, 2018
- (2) CHAPTER UNDER WHICH CASE WAS COMMENCED: 11
- (3) DATE OF RETENTION: November 1, 2018, effective as of September 7, 2018 [Docket No. 242].
- (4) SUMMARIZE IN BRIEF THE BENEFITS TO THE ESTATE AND ATTACH SUPPLEMENTS AS NEEDED:

Anderson Kill is one of the Debtor's several Ordinary Course Counsel retained pursuant to the Orders. The firm's primary focus has been in connection with the insurance coverage litigation pending in New York State Supreme Court, Suffolk County, captioned *The North River Insurance Company v. Duro Dyne National Corporation, et al.*, Index No. 062947/2013. In connection with these Chapter 11 cases, however, the Debtor has called upon Anderson Kill to offer advice, draft and review pleadings, and otherwise become engaged at the confluence of insurance coverage and bankruptcy issues. Accordingly, given the manner in which the Chapter 11 Cases have experienced an extended tenure before the Bankruptcy Court, Anderson Kill's aggregate work product expanded beyond that which reasonably was anticipated at the commencement of the case, including:

- a) Anderson Kill reviewed and analyzed the insurance companies' requests for production of documents, participated in drafting and editing the responses to same and discovery requests to be served on the insurance companies;
- b) Anderson Kill attended to a stay relief motion, including briefing in support of stay relief strategy and preparing for and attending a hearing on the stay motion;
- c) Anderson Kill provided input regarding confirmation issues, including attendance at portions of the confirmation hearings;
- d) Anderson Kill prepared for, attended, and argued at other hearings, including the claims valuation hearing;
- e) Anderson Kill prepared for and participated in settlement negotiations, drafting and editing settlement agreements, and mediation submissions regarding North River's and other insurance company claims;
- f) Anderson Kill attended to various claims issues, including (i) the estimation and treatment of insurance company claims; and (ii) reviewing and analyzing North River Insurance Company's 3018 motion and preparing and filing an objection thereto; and

- g) Anderson Kill performed all other legal services for the Debtors that were necessary and proper in these proceedings and in furtherance of the Debtors' needs.

(5) ANTICIPATED DISTRIBUTION TO CREDITORS:

- | | |
|----------------------------------|--------|
| (A) ADMINISTRATION EXPENSES: | (100%) |
| (B) SECURED CREDITORS: | (100%) |
| (C) PRIORITY CREDITORS: | (100%) |
| (D) GENERAL UNSECURED CREDITORS: | (100%) |

- (6) FINAL DISPOSITION OF CASE AND PERCENTAGE OF DIVIDEND PAID TO CREDITORS (IF APPLICABLE): Final disposition of case and dividend are unknown at this time.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: June 20, 2019

/s/ Cort T. Malone

Cort T. Malone, Esq.

EXHIBIT A

Professional services rendered by Anderson Kill P.C. from May 1, 2019 through May 31, 2019

Anderson Kill P.C.

1251 Avenue of the Americas, New York, New York 10020-1182
(212) 278-1000 E-Mail: Accounting@andersonkill.com
EIN: 13-2743351

Randy Hinden
(c/o Howard Gross - Weinberg, Gross &
Pergament, LLP)
Duro Dyne Corporation
81 Spence Street
Bay Shore, NY 11706
rhinden@durodyne.com

DATE: June 19, 2019
MATTER: 102620.DDC02
INVOICE: 291707

MATTER: INSURANCE

Cort T Malone

INVOICE SUMMARY

Professional Services:	60,224.50
Costs:	157.63
	<hr/>
Total Current Invoice:	\$60,382.13
	<hr/>
TOTAL AMOUNT DUE:	<u>\$60,382.13</u>

Anderson Kill P.C.

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DURO DYNE CORP.

MATTER: 102620.DDC02

June 19, 2019

INVOICE: 291707

MATTER: INSURANCE

PROFESSIONAL SERVICES through 05/31/19

DATE	DESCRIPTION OF SERVICES	INIT	HOURS
05/01/19	Worked on review of materials and prep for drafting mediation statement.	CTM	2.00
05/02/19	Emails exchanged JP re mediation on 5/17. Reviewed final draft reply brief on FOF/COL in bankruptcy case. Detailed work on mediation statement, reviewed cases, case materials, and prior briefing re same.	CTM	4.90
05/03/19	Worked on mediation statement.	CTM	3.40
05/06/19	Call with North River counsel re mediation logistics and follow up Emails exchanged with clients and co-counsel re same. Continued work re mediation materials and briefing. Reviewed bankruptcy filings and Emails exchanged CI re same.	CTM	2.40
05/07/19	Follow up Emails exchanged re mediation logistics. Detailed research re any new cases and law relevant to mediation briefing and NY allocation issues. Continued work on brief re same.	CTM	3.00
05/08/19	Continued research and drafting and editing re mediation statement and review of prior briefing to use for same and as exhibits.	CTM	4.90
05/09/19	Emails exchanged with mediator re logistics, call next week. Emails exchanged clients/JP re same. Detailed drafting and circulated first draft mediation brief to JP/KQ for comments.	CTM	4.00
05/10/19	Review, revise, cite check and quote check Duro Dyne's Confidential Mediation Statement. Retrieve from LEXIS the unreported cases.	CAI	0.90
05/10/19	Calls and Emails exchanged with JP/KQ re edits to mediation statement. Further editing and drafting re same and compilation of exhibits and work with CI re cite-checking and finalizing materials. Sent package of same to mediator and clients.	CTM	4.20
05/13/19	Emails exchanged NR counsel re mediation. Meet with RM and prep work for same. Emails exchanged re 5/22 hearing.	CTM	1.50

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DURO DYNE CORP.

MATTER: 102620.DDC02

June 19, 2019

INVOICE: 291707

MATTER: INSURANCE

DATE	DESCRIPTION OF SERVICES	INIT	HOURS
05/14/19	Emails exchanged NR counsel re mediation. Emails exchanged mediator Tim G. re pre-mediation call. Prep and call with JP/clients re strategy for same. Follow up prep work in advance of mediation.	CTM	2.00
05/15/19	Detailed review of bankruptcy filings for use of same at upcoming mediation. Emails exchanged CI re same. Prepared and reviewed invoices for second fee statement submission. Continued mediation prep, including work with RM/JP. Emails exchanged with mediator re call.	CTM	4.90
05/16/19	Follow re mediation logistics. Prep and call with mediator and JP. Follow up prep in advance of meditation, including sending further materials requested to mediator. Emails exchanged re filing fee statement. Emails exchanged CI re bankruptcy filings.	CTM	3.70
05/17/19	All-day mediation with North River, clients, creditors, FCR.	CTM	6.40
05/17/19	Prepared for and participated in mediation with North River.	RAM	3.00
05/19/19	Attention to and begin developing strategy for preparing statement to mediator regarding all sums/Viking Pump issue related to North River policies.	RAM	2.50
05/20/19	Worked with RM re follow up on mediator's requests re "all sums" issue. Research and write-up re same. Call with JP re case issues.	CTM	1.60
05/20/19	Drafted statement to mediator regarding all sums/Viking Pump issue related to North River policies.	RAM	1.00
05/20/19	Assist with response to mediator for summary of relevant "all sums" language in every policy.	VCM	0.30
05/21/19	Continued work on mediation follow up requests and worked with RM re same. Call with Munich counsel re hearing tomorrow. Prep for same.	CTM	2.20
05/21/19	Drafted and finalized statement to mediator regarding all sums/Viking Pump issue related to North River policies.	RAM	3.70
05/22/19	Travel and attend court session with Judge Kaplan rulings re Plan confirmation. Follow up discussions with NR counsel, clients, and JP re insurance and settlement issues. Follow up work re mediator info requested. Discussions with HF counsel re insurance case hearing.	CTM	6.90

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MATTER: 102620.DDC02

June 19, 2019

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MATTER: INSURANCE

DATE	DESCRIPTION OF SERVICES	INIT	HOURS
05/23/19	Reviewed and edited draft letter to mediator re all sums issues, NY law re same. Follow up re same and sent to JP/KQ for comments. Worked with RM re argument prep for insurance case.	CTM	2.00
05/24/19	Emails exchanged with client re insurance hearing.	CTM	0.20
05/28/19	Emails exchanged Munich counsel. Call with HF counsel re adjourning insurance case. Report to clients/JP re same. Continued prep work re insurance case oral argument; research and work with RM re same.	CTM	3.00
05/29/19	Worked with LS re bankruptcy filing. Meet with VM re prep for oral argument. Continued work re same.	CTM	2.60
05/30/19	Emails exchanged LS re case issues, upcoming calls and filings. Emails exchanged insurance companies' counsel, clients, JP re adjournment of insurance case request, rulings on settlement motions in bankruptcy case. Initial draft letter re adjournment. Prep and all counsel call re TDP changes, other bankruptcy issues. Continued prep work for insurance oral argument.	CTM	3.00
05/30/19	Communications with Cort Malone and Jeff Prol re: bankruptcy court hearing to address modifications to TDP.	DJN	0.40
05/30/19	Conferred with Cort Malone regarding extension request.	RAM	0.10
05/31/19	Emails exchanged with NR counsel re adjournment. Reviewed Judge's Rules re same. Drafted and filed letter re adjournment and reviewed NR objection to same. Emails exchanged JP/clients re same. Continued research and argument preparation. Follow up with DN re bankruptcy court call.	CTM	3.40
05/31/19	Attend telephonic hearing (.4) and communications with Cort Malone re: same (.2); analyze North River letter to Court re: hearing (.1) and communications with Cort Malone re: same (.1).	DJN	0.80
05/31/19	Reviewed and analyzed briefing and exhibits in preparation for oral argument on pending summary judgment motions in coverage action. Prepared argument for the same.	RAM	3.00

TOTAL FEES:

60,224.50

Anderson Kill P.C.

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DURO DYNE CORP.

MATTER: 102620.DDC02

June 19, 2019

INVOICE: 291707

MATTER: INSURANCE

FEE SUMMARY

	RATE	HOURS	TOTALS
Claudia A Ilie	310.00	0.90	279.00
Cort T Malone	715.00	72.20	51,623.00
Dennis J. Nolan	610.00	1.20	732.00
Raymond A Mascia, Jr.	560.00	13.30	7,448.00
Vivian Michael	475.00	0.30	142.50
TOTAL FEES:			60,224.50

COSTS through 05/31/19

DATE	DESCRIPTION OF COSTS	AMOUNT
05/28/19	LOCAL TRAVEL - - VENDOR: EXECUTIVE CHARGE, INC, A/C 6100 CAR SERVICE ON 05/10/19	107.63
05/31/19	FILING OR WITNESS FEES - - VENDOR: DONALD FLYNN	50.00
TOTAL COSTS:		157.63

COSTS SUMMARY

DESCRIPTION	AMOUNT
FILING OR WITNESS FEES	50.00
LOCAL TRAVEL	107.63
TOTAL COSTS:	157.63

TOTAL DUE: \$60,382.13

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DURO DYNE CORP.

MATTER: 102620.DDC02

June 19, 2019

INVOICE: 291707

MATTER: INSURANCE

REMITTANCE COPY

Professional Services:	60,224.50
Costs:	157.63

Total Current Invoice:	<u>\$60,382.13</u>
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TOTAL AMOUNT DUE:	<u>\$60,382.13</u>
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PLEASE SEND YOUR REMITTANCE TO US AT:

OR, IF MORE CONVENIENT, YOU MAY WIRE THE FUNDS TO:

Anderson Kill P.C.
1251 Avenue of the Americas,
New York, New York, 10020-1182

BANK: WELLS FARGO BANK, N.A.
ABA NUMBER: 121000248
CREDIT TO: ANDERSON KILL P.C.
OPERATING ACCOUNT
ACCOUNT NUMBER: 2000037634722
INTERNATIONAL SWIFT CODE: WFBUS6S

KINDLY INDICATE:

CLIENT NUMBER:	102620
INVOICE NUMBER:	291707
YOUR FIRM NAME:	DURO DYNE CORP.

THIS INVOICE IS PAYABLE UPON RECEIPT.

PLEASE RETURN THIS PAGE WITH YOUR REMITTANCE.